

# **EXHIBIT 1**

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
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Chicago, Illinois 60604



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ORDER

October 25, 2019

*Before*

ILANA DIAMOND ROVNER, *Circuit Judge*  
DIANE S. SYKES, *Circuit Judge*  
MICHAEL Y. SCUDDER, *Circuit Judge*

No. 19-2638	CHRIS WALKER, et al., Plaintiffs - Appellees  v.  NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, et al., Defendants - Appellees  APPEAL OF: TIMOTHY J. MCILWAIN
<b>Originating Case Information:</b>	
District Court No: 1:13-cv-09116 Northern District of Illinois, Eastern Division District Judge John Z. Lee	

The following are before the court:

1. **MOTION FOR SUMMARY DISPOSITION OF APPEAL FILED BY TIMOTHY J. MCILWAIN**, filed on September 20, 2019, by counsel for the appellees.
2. **APPELLANT/PLAINTIFFS' COUNSEL'S RESPONSE TO COUNSELS' MOTION FOR SUMMARY DISPOSITION AND CROSS MOTION FOR CONTRIBUTION**, filed on October 4, 2019, by Attorney Timothy McIlwain.
3. **SETTLEMENT CLASS PLAINTIFF'S FED. R. APP. P. 27(a)(4) REPLY IN SUPPORT OF MOTION FOR SUMMARY DISPOSITION OF APPEAL**, filed on October 11, 2019, by counsel for the appellees.

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This court has carefully reviewed the final order of the district court, the record on appeal, and the above listed motions papers. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (per curiam) (court can decide case on motions papers and record where briefing would be not assist the court and no member of the panel desires briefing or argument). "Summary disposition is appropriate 'when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.'" *Williams v. Chrans*, 42 F.3d 1137, 1139 (7th Cir. 1995), *citing Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). The district court, in its thorough and well-reasoned orders, did not abuse its discretion when denying attorney McIlwain's motions for leave to file an untimely petition for attorney's fees and costs. Accordingly,

**IT IS ORDERED** that the appellees' motion is **GRANTED**, and the judgment of the district court is summarily **AFFIRMED**.

**IT IS FURTHER ORDERED** that to the extent McIlwain presents a cross-motion for contribution, the motion is **DENIED**.

**IT IS FINALLY ORDERED** that the order to showcause issued on October 22, 2019, is **DISCHARGED**.